

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
December 4, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:02 p.m., Tuesday, December 4, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Miss Chrissy Pinnell, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

## **PRESENTATIONS**

### INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed Mr. Joseph R. Ambrose, Jr., as a newly appointed member of the Regional Issues Committee representing York County, and presented him with a York County pin and Boards and Commissions Handbook.

### YORK COUNTY YOUTH COMMISSION

Mr. Ryan Touhill, Chairman of the 2001-2002 Youth Commission, provided the Board with the Commission's second quarterly report. He explained that the other Commissioners were not present this evening due to another activity they were involved in for Youth Week. He thanked the Board for its support of the Youth Week activities, and explained the different functions taking place this week. Mr. Touhill noted other projects the Youth Commission was involved in recently and will be in the near future include the October 19 Yorktown Day Celebration, the Holiday Tree Lighting Ceremony, the Adopt-A-Highway Program on Goodwin Neck Road, and the conduct of a County-wide student survey in early 2002.

### HAMPTON ROADS PLANNING DISTRICT COMMISSION

Mr. John Whaley, Deputy Executive Director, Economics, Hampton Roads Planning District Commission (HRPDC), made a presentation to the Board on the 2001 recession which the U. S. entered in March of 2001 after experiencing expansion for the last 10 years. He noted that Hampton Roads lost 7,000 jobs between March and October of 2001, but the region's unemployment rate has begun to rise and remains below the U.S. rate. The number of persons out

of work is growing, and the number of persons filing initial unemployment claims is rising as well. The events of September 11 damaged retail sales in the region, yet auto dealers have had the best October on record because of the 0 percent financing offer. The sale of new homes has continued strong because of the current low interest rates, and the sale of existing homes has held at a high level also. Mr. Whaley stated that given the history of the length of recessions since World War II, the current recession should last no longer than eight more months. The Survey of Professional Forecasters from the Federal Bank predicts recovery in early 2002. The HRPDC expects that the region's economy will experience a continuation of the existing slowdown well into next year, but it is not likely to be exacerbated by the loss of military personnel from the region. Recovery is likely by next summer, just in time to ensure a good tourist season. Local government revenues may be less than projected in current budgets, but next year should be better.

Discussion followed on the unemployment rate on the Peninsula.

Mr. Zaremba stated he did not share the optimism concerning the tourism industry because the Historic Triangle depends on tourism. He asked Mr. Whaley how he feels the tourism industry in the region has been impacted since September 11.

Mr. Whaley stated the tourism industry is fairly significant in this area, but pales in comparison to the military in terms of numbers of people employed and dollars spent. So many of the people in the industry have part-time jobs, and it adds to the region's income and to the per capita basis. He stated he feels everyone has been hurt by the events of September 11, but it has probably worked to this region's favor in that it is a drive-to destination and not a fly-to destination.

Mr. Zaremba indicated he talks to hotel owners on a daily basis in Williamsburg, and by all their reports for the last year and beyond tourism has been off, especially since September 11. He stated he was trying to determine from Mr. Whaley if he shared his observation that in the last couple of years tourism has been flat.

Mr. Whaley indicated for the past 2-3 years the tourist industry has been pretty flat for Colonial Williamsburg.

Mr. Zaremba noted that at the Board's legislative breakfast the day before Senator Norment had indicated that tourism had been up over the last year.

Mr. Whaley spoke of the disadvantage that historical sites have over other recreational sites because they cannot add to what they have already, and maybe the Colonial Williamsburg numbers play into that theory.

Mr. Shepperd asked Mr. Whaley how citizens could get copies of his presentation.

Mr. Whaley stated he would have the information placed on the HRPDC website, [hrpdc.org](http://hrpdc.org).

#### **CITIZENS COMMENT PERIOD**

Mrs. Bonnie Karwac, Chairman of the York County Historical Committee, invited everyone to the annual Holiday Tree Lighting Ceremony this coming Friday evening. The program will start at 6:15 p.m. at the Victory Monument with a parade down Main Street to York Hall where Mr. Burgett will welcome the group, and there will be caroling and a visit by Santa Claus. She

December 4, 2001

stated everyone will then be invited to the lighted boat parade afterwards. Mrs. Karwac noted that the attendees will not be able to use the usual candles and luminaires this year, and she encouraged attendees to bring flashlights. She then indicated that on Saturday there would be the Homes Tour between 10:00 a.m. and 6:00 p.m. by ticket only. She also invited everyone to visit the Historical Committee's museum in York Hall while they are visiting Yorktown Saturday.

Mrs. Jeanette Carter, 819 Baptist Road, appeared to get some information as to how her address was changed by the County.

Chairman Burgett indicated staff would provide an answer to her as soon as possible.

Mrs. Carter then addressed correspondence she had received from the Department of Environmental and Development Services concerning a car that was on her property across the street. She indicated it belonged to a man who was trying to fix it. She stated the man is not doing anything wrong, but is just trying to fix the car. She also stated she would like to meet with Mrs. Noll about her granddaughter who is being neglected, and Social Services won't do anything to help.

Chairman Burgett stated staff would have someone contact her as soon as possible.

Ms. Laura Olson, 407 Brokenbridge Road, addressed her concern about the proposed King property development behind her property and its impact on Edgehill's drainage problems. She stated the property includes a large area of forested wetlands which will be eliminated by the development. At present the property acts like a sponge for the drainage, but with apartments going up there will be pavement and runoff that has nowhere to go but into the Edgehill subdivision. Ms. Olson asked the Board to take a serious look at the Edgehill community and its drainage issues and try to find a way to protect the homes and eliminate some of the future problems of flooding.

Mr. Rob Farrell, 403 Brokenbridge Road, also addressed the King property development, stating he was not trying to prevent the King's from developing their property. He stated the Edgehill community was just trying to make sure their properties are protected at the same time. He stated they didn't want future problems after the developers have left. He stated the biggest issue is the increased potential for flooding after the development is in place. The retention pond is located in the drainage way in the Edgehill neighborhood, and this increases the potential for the community to flood. Mr. Farrell stated someone, other than the developer's engineers, who was unbiased should be looking at the numbers dealing with the runoff. He indicated the second problem is the 75-foot buffer that is not being honored. He stated it has been eliminated, and the requirement is now only 50 feet. The residents feel there should be some community input and review for such a change in setback, and he asked the Board to direct staff to address these concerns before the development is allowed to proceed.

Mr. Harry E. Ramsay, 300 Brokenbridge Road, stated he addressed the Board about a year ago about the concerns of the residents of Edgehill and Burnt Bridge regarding drainage and flooding. He stated that since that time much interfacing has been accomplished between the County staff and engineers. The main concerns of the residents are those of Supervisor Don Wiggins which are drainage and the 75-foot setback. He stated that on December 18 a citizens group plans to attend the Board meeting to support Mr. Wiggins in his request that any building permit from the County be set aside until the issues have been addressed on the main topics.

Mr. Dick Ambrose, 205 Marl Ravine Road, spoke in favor of the King development, stating he feels it will be good for the area. He spoke about how Patriot Square shopping center is a depressed area because of the lack of people living in the area to support it. He stated the Board of Supervisors should encourage and promote businesses and encourage other investments to come into the area. Mr. Ambrose stated he felt the project was a win/win situation for the County.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett indicated the submission has not yet been made to the Justice Department on redistricting. The necessary statistics are being generated by the Planning Division, and they should have that information soon. He noted that the Justice Department was no longer receiving paper submissions, and there were some difficulties making the submission electronically.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reminded the Board members about the work session on December 11 to discuss the Utilities Strategic Capital Plan. He also reminded them that the first meeting of the new year would be held on Wednesday, January 2, since the holiday was on the first Tuesday. He noted that the Board members had been sent a draft copy of the Calendar and Schedule for 2002 and that it included the proposed budget calendar. He asked the Board members to review it for any potential conflicts.

#### **MATTERS PRESENTED BY THE BOARD**

Mrs. Noll thanked the School Board for meeting with the Board of Supervisors last week, stating she felt it was a good sharing of information on the revenue forecast for the next budget cycle, and it looked like the Board would be able to give the schools an additional \$1.7 million for the next budget. She indicated the Board also met with the County's legislative delegation this week at which time there was some discussion about transportation and Route 17.

Mr. Shepperd spoke of the need for residents to make sure their pets are properly tagged and collared. He noted a recent incident where a young child was bitten by a cat that had no collar, and now the cat would probably be put to sleep, and the child will likely have to go through the rabies treatments because no one knows if the cat has an owner or if it has had its shots. Mr. Shepperd asked staff to provide guidance to the citizens on how to make sure their animals are safe.

Meeting Recessed. At 7:54 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:02 p.m. the meeting was reconvened in open session by order of the Chair.

#### **PUBLIC HEARINGS**

LEASE AGREEMENT FOR THE YORK COUNTY HISTORICAL MUSEUM

December 4, 2001

Mr. McReynolds made a presentation on proposed Resolution R01-216 to authorize the execution of a lease agreement between the County of York and the York County Historical Museum.

Mr. Wiggins asked what the \$30,000 would be used for in terms of repairs and upgrades.

Mr. McReynolds stated it would be used for the parking area, the air-conditioning system, and handicapped accessibility. He indicated staff did not anticipate any other costs other than those staff incurs to maintain the Mapp property today.

Mr. Wiggins asked if anything was being done to the building structurally.

Mr. McReynolds stated there would be only minimal changes. He indicated Mrs. Karwac was present and could address specifics.

Mrs. Bonnie Karwac, York County Historical Museum Board, indicated the Museum Board was trying to make as few alterations to the structure as possible, but certain work will need to be done to doorways to make the building handicapped accessible.

Mr. Wiggins then explained for the benefit of the citizens how the Mapp property was going to be used for a museum, and he stated he felt it was going to be a great addition to York County.

Mr. Zaremba commended the Historical Committee for taking on this task. He asked if the agreement was saying that the County wouldn't have to pay over \$30,000 a year more than what the costs are for the museum.

Mr. McReynolds indicated the \$30,000 is a one-time appropriation for the repairs and upgrades. About \$3,000 a year is spent by the County for utility costs.

Mr. Zaremba indicated it looked like the museum would be using a lot of volunteers, and he asked Mrs. Karwac what the budget was for the first year of operation.

Mrs. Karwac noted that there was a provision in the agreement for paid personnel as an option, but the individual or individuals would have to be paid for by the museum and not the County. There are no plans at the present time to hire any paid employees. Mrs. Karwac indicated the Museum has a nest egg of \$19,000 to get the museum going.

Mr. Zaremba expressed his opinion that the County and the Historical Committee should be very concerned about whether or not the museum will be operated making a profit. Most museums have their busiest days on the weekends, yet the suggested schedule shows the museum closed on Sundays.

Mrs. Karwac indicated the Museum Board wished to include Sunday afternoons in the schedule, and had also asked for a seasonal provision. She stated the museum would be happy to open for a special group and would do everything it could to accommodate the people wanting to see the museum.

Mr. Shepperd asked if citizens could make donations of artifacts to the museum.

Mrs. Karwac stated the museum encouraged donations, noting the only constraint would be storage space. She stated there is a lot of history that the residents could share with the museum.

Discussion followed on the possibility of the public loaning certain artifacts.

Mr. Shepperd stated that a museum is a great tourist draw, and recycling the artifacts is a good way to keep the museum fresh.

Chairman Burgett spoke of the museum's security and asked Mr. Barnett who would be responsible for paying the cost of rekeying the building.

Mr. Barnett indicated the agreement stated the County was responsible for equipping the facility with locks.

Chairman Burgett asked who would take over the garden once the current lease was up.

Mrs. Karwac stated that in the event the current lessee did not want to continue keeping the garden, it was her hope that the County's Master Gardeners might like to take it over.

Chairman Burgett then called to order a public hearing on proposed Resolution R01-216 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE EXECUTION OF A LEASE AGREEMENT BETWEEN THE COUNTY OF YORK AND THE YORK COUNTY HISTORICAL MUSEUM

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R01-216 that reads:

A RESOLUTION TO AUTHORIZE EXECUTION OF A LEASE AGREEMENT BETWEEN THE COUNTY OF YORK AND THE YORK COUNTY HISTORICAL MUSEUM

WHEREAS, the York County Historical Committee has long planned a Museum for the County, and the Board of Supervisors desires to support such an effort; and

WHEREAS, County staff has worked with the Historical Committee to design an appropriate corporate organizational structure, and such documents as Bylaws, Articles of Incorporation, and a provisional corporate Board to establish and operate a Museum, have been prepared; and

WHEREAS, a location and structure, owned by the County and suitable for such a Museum, has been identified; and resources sufficient and appropriate for necessary repairs and upgrades to the structure are available from the Tourism-designated lodging tax revenues; and

WHEREAS, it is the desire of the Board to enter into a Lease Agreement with the York County Historical Museum Board of Directors for a house, auxiliary buildings, and adjacent property; and a public hearing on the proposed Lease Agreement, as required under the Code of Virginia, has been properly advertised and conducted on December 4, 2001;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of December, that the County Administrator be, and he hereby is, authorized to execute a

December 4, 2001

lease agreement between the County of York and Museum Board of Directors for occupancy of the County-owned property referred to as the "Mapp House" and adjacent grounds located at 619 Cook Road, Yorktown, for use as an Historical Museum.

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett  
Nay: (0)

#### EXEMPTION FROM E911 TAX FOR NURSING HOME RESIDENTS

Mr. Barnett made a presentation on proposed Ordinance No. 01-22 to amend the York County Code to provide for an exemption from the tax for the Enhanced 911 Emergency Telephone System for residents of nursing homes or similar adult care facilities. He recommended an amendment stating that residents of the facilities should notify the County Department of Fire and Life Safety instead of the telephone company concerning eligibility for the exemption.

Mr. Shepperd asked how new residents of these facilities will know to ask about the exemption.

Mr. Barnett stated the Department of Fire and Life Safety will send out a notice to nursing homes and other notices periodically to remind them.

Chairman Burgett then called to order a public hearing on proposed Ordinance No. 01-22(R) which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 21-90 OF THE YORK COUNTY  
CODE PROVIDING AN EXEMPTION FROM THE TAX FOR ENHANCED  
911 EMERGENCY TELEPHONE SYSTEM FOR RESIDENTS OF NURS-  
ING HOMES OR SIMILAR ADULT CARE FACILITIES

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Ordinance No. 01-22(R) that reads:

AN ORDINANCE TO AMEND SECTION 21-90 OF THE YORK COUNTY  
CODE PROVIDING AN EXEMPTION FROM THE TAX FOR ENHANCED  
911 EMERGENCY TELEPHONE SYSTEM FOR RESIDENTS OF NURS-  
ING HOMES OR SIMILAR ADULT CARE FACILITIES

BE IT ORDAINED by the York County Board of Supervisors, this 4th day of December, 2001, that section 21-90, York County Code, be and it is hereby amended to read and provide as follows:

#### **Sec. 21-90. Imposed.**

Pursuant to the provisions of section 58.1-3813.1, Code of Virginia, there is hereby imposed a special tax of two dollars and eighteen cents (\$2.18) per month on each consumer of telephone service for each telephone line provided by any corporation subject to the provisions of chapter 26, title 58.1, Code of Virginia; provided, however, that this tax is not imposed on federal, state

or local government agencies, or on any consumers of any commercial mobile radio service, as such term is defined in Code of Virginia section 56-484.12, or on any subscriber of individual telephone service who resides in a nursing home or similar adult care facility. Residents of nursing homes and similar adult care facilities shall notify the County Department of Fire and Life Safety of the individual's eligibility for the exemption from the tax, and upon request shall provide the County with documentation satisfactory to the County of entitlement to the exemption.

On roll call, the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett  
Nay: (0)

#### DARE SEWER/WATER PROJECT—SECTION 4

Mr. Barnett made a presentation on proposed Resolution R01-211 to declare the intent of the York County Board of Supervisors to enter and take necessary easements in connection with the construction of the Dare Sewer/Water Project, Section 4.

Chairman Burgett called to order a public hearing on proposed Resolution R01-211 which was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON  
AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE  
DARE SEWER/WATER PROJECT-SECTION 4

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R01-211 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON  
AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE  
DARE SEWER/WATER PROJECT-SECTION 4

WHEREAS, it is necessary to obtain certain easements in connection with the Dare sewer/water project, Section 4; and

WHEREAS, for various reasons, the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by AES Consulting Engineers and appraisals of such interests have been prepared; and

WHEREAS, § 15.2-1905 E, Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding,



December 4, 2001

maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of December, 2001, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Dare sewer/water project-Section 4, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plats attached to the Report of the County Attorney dated November 9, 2001, and incorporated herein by this reference:

Tax Parcel 25-432	A permanent utility easement as shown on a plat entitled "Plat of Easement Conveyance From: Frances B. Riley, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated July 25, 2001, prepared by AES Consulting Engineers and designated as "Permanent Utility Easement." Value offered to Owner: \$7,805.00.
Tax Parcel 25-488	A permanent utility easement as shown on a plat entitled "Plat of Easement Conveyance From: Frances B. Riley, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated July 25, 2001, prepared by AES Consulting Engineers and designated as "Permanent Utility Easement." Value offered to Owner: \$99.00.
Tax Parcel 25-448	A permanent utility easement as shown on a plat entitled "Plat of Easement Conveyance From: Sidney W. Dawson Jr., et. als., To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated September 12, 2001, prepared by AES Consulting Engineers and designated as "Permanent Utility Easement." Value offered to Owner: \$697.00.
Tax Parcel 25-35-G2	A permanent utility easement as shown on a plat entitled "Plat of Easement Conveyance From: Walter Fay Presson, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated July 25, 2001, prepared by AES Consulting Engineers and designated as "Permanent Utility Easement." Value offered to Owner: \$327.00.
Tax Parcel 25-435	A permanent utility easement as shown on a plat entitled "Plat of Easement Conveyance From: Lettie R. Sgroi, Executrix, To: The County of York, Virginia, Pro-

ject: Dare Vacuum Sewer," dated July 25, 2001, prepared by AES Consulting Engineers and designated as "Permanent Utility Easement." Value offered to Owner: \$161.00.

Tax Parcel 25-435A

A permanent utility easement as shown on a plat entitled "Plat of Easement Conveyance From: Lettie R. Sgroi, Executrix, To: The County of York, Virginia, Project: Dare Vacuum Sewer," dated July 25, 2001, prepared by AES Consulting Engineers and designated as "Permanent Utility Easement." Value offered to Owner: \$167.00.

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute certificates to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amounts set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call, the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett  
Nay: (0)

APPLICATION NO. ZM-62-01, GERALD L. STEWART

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on Application No. ZM-62-01 requesting the reclassification of two parcels located at 2425 Pocahontas Trail and 2395 Pocahontas Trail from Rural Residential to General Business. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 01-23.

Mr. Zaremba noted the sign shown in the presentation indicated it was the Busch Gardens Commercial Fueling Center.

Mr. Carter indicated it was just a location reference that the firm preparing the plan utilized.

Mr. Billie Millner, attorney for the applicant, indicated the wording on the sign was just used for the rendering. He stated he felt the project was a very unobtrusive use and was a unique use for a unique piece of property.

December 4, 2001

Mr. Shepperd questioned the potential for trash.

Mr. Millner stated the property will be policed daily. He indicated there is no convenience store involved, so people aren't paying for other things that would generate trash.

Chairman Burgett called to order a public hearing on Application No. ZM-62-01 which was duly advertised as required by law. Proposed Ordinance No. 01-23 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZM-62-01 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING TWO PARCELS LOCATED AT 2425 POCAHONTAS TRAIL (ROUTE 60), SUBJECT TO PROFFERS, AND 2395 POCAHONTAS TRAIL (ROUTE 60) FROM RR (RURAL RESIDENTIAL) TO GB (GENERAL BUSINESS)

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Wiggins then moved the adoption of proposed Ordinance No. 01-23 that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZM-62-01 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING TWO PARCELS LOCATED AT 2425 POCAHONTAS TRAIL (ROUTE 60), SUBJECT TO PROFFERS, AND 2395 POCAHONTAS TRAIL (ROUTE 60) FROM RR (RURAL RESIDENTIAL) TO GB (GENERAL BUSINESS)

WHEREAS, Gerald L. Stewart has submitted Application No. ZM-62-01, which requests an amendment to the York County Zoning Map by reclassifying from RR (Rural Residential) to GB (General Business) two parcels located at 2425 and 2395 Pocahontas Trail (Route 60). The parcels are further identified as Assessor's Parcel Nos. 15-20 and 15-21; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board of Supervisors has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 4th day of December, 2001, that it does hereby approve Application No. ZM-62-01 to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to GB (General Business) two parcels located at 2425 and 2395 Pocahontas Trail (Route 60) and further identified as Assessor's Parcel No(s) 15-20 and 15-21.

December 4, 2001

BE IT FURTHER ORDAINED that reclassification of the parcel located at 2425 Pocahontas Trail and further identified as Assessor's parcel No. 15-21 shall be subject to the following conditions as indicated in the proffer statement entitled, "Conditional Proffer Statement of a Change of Zoning" and dated November 12, 2001, as set for the below:

1. That with respect to the Property marked "Site" and "Gerald L. Stewart" on the attached drawing and being owned by Gerald L. Stewart, the lighting will be consistent with lighting fixtures recommended by the Illuminating Engineering Society of North America (IESNA). All lighting shall use full cutoff fixtures.
2. That there will be a thirty-five-foot (35') transition buffer on the south side of the property abutting the Rural Residential property.
3. That the free-standing sign shall be a ground mounted monument type.

On roll call, the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett  
 Nay: (0)

#### APPLICATION NO. ZM-63-01, YORK COUNTY PLANNING COMMISSION

Mr. Carter made a presentation on Application No. ZM-63-01 requesting the reclassification of portions of two parcels located on Wolftrap Road from Resource Conservation to Rural Residential and from Rural Residential to Resource Conservation. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 01-24.

Chairman Burgett called to order a public hearing on Application No. ZM-63-01 which was duly advertised as required by law. Proposed Ordinance No. 01-24 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM RC (RESOURCE CONSERVATION) TO RR (RURAL RESIDENTIAL) THE REAR PORTION OF A PARCEL LOCATED AT 1216 WOLFTRAP ROAD AND FROM RR TO RC THE FRONT PORTION OF A PARCEL LOCATED AT 1302 WOLFTRAP ROAD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Wiggins then moved the adoption of proposed Ordinance No. 01-24 that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM RC (RESOURCE CONSERVATION) TO RR (RURAL RESIDENTIAL) THE REAR PORTION OF A PARCEL LOCATED AT 1216 WOLFTRAP ROAD AND FROM RR TO RC THE FRONT PORTION OF A PARCEL LOCATED AT 1302 WOLFTRAP ROAD

December 4, 2001

WHEREAS the York County Planning Commission at its October 10 meeting sponsored Application No. ZM-63-01 to amend the York County Zoning Map by reclassifying from RC (Resource Conservation) to RR (Rural Residential) the rear portion of a 2.47-acre parcel of land located at 1216 Wolftrap Road, further identified as Assessor's Parcel No. 24-244, and from RR to RC the front portion of a 2.95-acre parcel of land located at 1302 Wolftrap Road, further identified as Assessor's Parcel No. 24-246; and

WHEREAS the York County Planning Commission recommends approval of this application; and

WHEREAS the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 4th day of December, 2001, that Application No. ZM-63-01 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from RC (Resource Conservation) to RR (Rural Residential) the rear portion of a 2.47-acre parcel of land located at 1216 Wolftrap Road, further identified as Assessor's Parcel No. 24-244, and from RR to RC the front portion of a 2.95-acre parcel of land located at 1302 Wolftrap Road, further identified as Assessor's Parcel No. 24-246.

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett  
Yea: (0)

#### APPLICATION NO. UP-585-01, WILLIAMSBURG MOTORS

Mr. Carter made a presentation on Application No. UP-585-01 requesting a use permit to authorize an automobile sales and service establishment on a parcel of land located on East Rochambeau Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval of the use permit but denial for the applicant's request relating to signage, and staff recommended approval of the application through the adoption of proposed Resolution R01-214(R). He noted that the signage issue was no longer a part of the application. He explained the amendment to the resolution was wording to ensure that the facility's primary use was a new car dealership, and used cars sales and repairs/servicing were accessory uses.

Mr. Zaremba asked the reason for the special use permit.

Mr. Carter stated the Zoning Ordinance requires a use permit for automobile-related uses in the Economic Opportunity district.

Mr. Zaremba questioned the fact that no setbacks were required between the two showroom facilities.

Mr. Carter indicated that buildings could be constructed without side yard setbacks when they are built in a comprehensive manner as was being proposed by the applicant.

Mr. Zaremba noted the facility did not look like any showroom he had ever seen, and he asked if it was going to be for a new car dealership or primarily a maintenance facility.

Mr. Carter stated staff has been told the primary facility is a new car showroom. He stated this was the reason for the amendment to the resolution.

Mr. Shepperd agreed that the emphasis for a new car facility was captured in the amendment to the use permit resolution.

Chairman Burgett noted that he, too, was concerned, and he asked for the amendment to ensure that it would operate as a new car facility.

Mr. Richard Costello, consulting engineer, AES, indicated he had worked with County staff to come up with this plan and resolution, and the applicant is supportive of the staff's position.

Mr. Rick Jones, representing Williamsburg Ford, stated he would not propose a \$3 million investment to sell used cars. The facility is planned as a full-service new vehicle franchise. There are plans for a used car department and service department as well. Mr. Jones stated that the dealership had to get permissions from Ford, Mercury, and Lincoln to move the franchise from its present location to the Rochambeau property.

Chairman Burgett stated he had heard that the dealership was still considering its present location.

Mr. Jones explained that it was the initial intention to renovate the present location, but they ran into difficulties with the City of Williamsburg concerning the renovation plans. He stated the reason he had not closed the door on the Williamsburg site was because he has encountered some surprises in York County that were not expected, but he hoped they had all now been addressed. Until the application is approved, he stated he has not closed any doors.

Chairman Burgett called to order a public hearing on Application No. UP-585-01 which was duly advertised as required by law. Proposed Resolution R01-214(R) is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHOR-  
IZE AN AUTOMOBILE SALES AND SERVICE ESTABLISHMENT ON  
EAST ROCHAMBEAU DRIVE

Ms. Kara Urbanski, reporter for the Daily Press, asked for a copy of the amendment to the resolution.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Wiggins stated the County has been accused of taking away business from Williamsburg and other areas, and he felt that was unfair. When there is a business as sizeable as this dealership, and built in an area that allows no room for growth, they have no choice but to move in order to expand.

Mr. Zaremba stated that while he agreed with Mr. Wiggins, York County is still a part of the Historic Triangle community and should be concerned about urban blight and abandoned

December 4, 2001

buildings. He stated his hopes that a proper use will be found for the dealership's current building in Williamsburg.

Mr. Shepperd stated he felt the County had done a tremendous job in looking at this property. In this particular area of the County, staff has done more planning and done it wisely than in any other area of the County. He stated a good job has been done regarding the process for this company, and he welcomed the new business to York County.

Mrs. Noll expressed her agreement with Mr. Shepperd.

Chairman Burgett stated it was an outstanding business, and the Board was more than happy to welcome them to York County.

Mrs. Noll moved the adoption of proposed Resolution R01-214(R) that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHOR-  
IZE AN AUTOMOBILE SALES AND SERVICE ESTABLISHMENT ON  
EAST ROCHAMBEAU DRIVE

WHEREAS, Williamsburg Motors has submitted Application No. UP-585-01 to request a Special Use Permit, pursuant to Section 24.1-306 (category 12, number 5) of the Zoning Ordinance to authorize an automobile sales and service establishment on a 6.8-acre portion of a 14.1-acre parcel of land located on East Rochambeau Drive (Route F-137) approximately one-half mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-36C; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application and has recommended that it be approved, subject to certain conditions; and

WHEREAS, the Board of Supervisors conducted a duly advertised public hearing and has carefully considered the public comments and Planning Commission recommendation concerning this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of December, 2001, that Application No. UP-585-01 be, and it is hereby, approved to authorize the establishment of an automobile sales and service center on East Rochambeau Drive subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an approximately 55,000-square foot automobile sales and service center (new vehicle sales as the principal use, with accessory used vehicle sales and accessory vehicle servicing and repair) on a 6.8-acre portion of a 14.1-acre parcel of land located on East Rochambeau Drive (Route F-137) approximately one-half mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-36C.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance

prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan shall be in substantial conformance with the plan titled "Conceptual Plan for a Special Use Permit for Williamsburg Motors," prepared by AES Consulting Engineers and dated, October 1, 2001 and revised November 19, 2001; and building elevations depicted in Plan Sheet A-2 titled "Williamsburg Motors: Proposed Building Signage," prepared by Leon K. Smith, Architect.

3. Building façades, including exterior building materials and colors, shall be generally as depicted in the color renderings submitted by the applicant. Brick and brick-type products (such as split-faced architectural block) shall be utilized as the predominant material for all façades visible from public streets.
4. A traffic impact analysis, prepared by a transportation engineer or transportation planner in accordance with the requirements set forth in Section 24.1-251(b)(1) of the York County Zoning Ordinance, shall be submitted for review and consideration by the County and the Virginia Department of Transportation at the same time as the initial application for site plan approval.
5. The development shall be constructed and operated in conformance with the performance standards set forth in Sections 24.1-475, 24.1-477, and 24.1-479 of the York County Zoning Ordinance.
6. The development shall be served by an on-site stormwater management pond designed to address stormwater quantity and quality issues for both the automobile sales and service center and any other future development that may occur on the subject parcel.
7. Development of the subject parcel shall be in accordance with the requirements of the Watershed Management and Protection Area overlay district contained in Section 24.1-376 of the Zoning Ordinance. Accordingly, the above-reference site plan shall be accompanied by an impact study prepared in accordance with the requirements set forth in Section 24.1-376(f) of the Zoning Ordinance.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call, the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett  
Nay: (0)

**MATTERS PRESENTED BY THE BOARD** (Continued)

Mr. Zaremba indicated Governor Gilmore has admitted there will be a very significant budget shortfall next year, and revenues will not be what he earlier projected. Mr. Whaley has suggested that the region is in an economic slow-down. The Board of Supervisors has begun its annual budget review and cycle that will result in approval of the FY2003 budget in early April of 2002. He indicated he gets very concerned when he reads articles in the newspaper as he did the one about the Governor's projected shortfall. Many programs won't get funded or programs won't be funded at the levels they were before. The localities will be looked at to make



December 4, 2001

up the shortfall. The County has pledged to the School Division an increase of \$1.7 million in the coming year, but that probably won't meet all the schools' requirements. Mr. Zaremba stated what is disconcerting is that the School Board budget is made up of Federal, State, and County funds—if the State has a great shortfall, then the State will expect the County to make up the shortfall. The County has increased its projections for revenues at the County level, one reason being the real estate taxes have increased between 4 and 12 percent. The County doesn't know where its going at this time, although it has many programs and goals. He then discussed the upcoming 2003 Aviation's World Fair which should help the region with its economic situation through increased tourism. Mr. Zaremba stated the Board and staff needed to keep current with the plans for the Fair, and he asked Mr. McReynolds to provide periodic reports.

Mr. Wiggins commented on the upcoming Christmas season, and indicated there were some prominent York County citizens who had recently passed away who would be sorely missed by their families this year. He also spoke concerning the Legislative Breakfast held the day before, stating he reminded the legislators of their election campaign promises to provide more funds for local government, teacher salaries, and transportation. He stated VDOT does not have the money to clean out the current ditches in the County, and the General Assembly must come up with a formula to raise the necessary funds to do the needed work. Mr. Wiggins stated the State cannot expect the localities to provide money it doesn't have.

Chairman Burgett indicated he had recently attended a meeting of the Workforce Consortium, and he spoke concerning the Workforce Development Center. He praised its programs and the opportunities it offered to local residents, and he encouraged individuals who were out of work or individuals who needed to consider changing careers to contact the Center for information. Chairman Burgett then spoke about Youth Week, indicating he would speak at Tabb High School the next morning. He noted it was great to take part in these types of activities.

### **CONSENT CALENDAR**

Mr. Shepperd asked that Item No. 9 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 7, 8, 10, and 11, respectively.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett  
Nay: (0)

Thereupon, the following resolutions were adopted:

#### **Item No. 7. COMMENDATION OF H. R. "DICK" ASHE: Resolution R01-221**

A RESOLUTION TO COMMEND THE SERVICES OF H. R. "DICK"  
ASHE AS A MEMBER OF THE YORK COUNTY BOARD OF SUPERVI-  
SORS

WHEREAS, H. R. "Dick" Ashe was appointed by the York County Board of Supervisors on January 16, 2001, to fill the District 5 vacancy left by the election of Melanie L. Rapp to the Virginia House of Delegates; and

WHEREAS, Mr. Ashe served the citizens of District 5 until November 13, 2001; and

WHEREAS, Mr. Ashe took office and began his representation with much enthusiasm and determination to improve the quality of life for the citizens of his district and the County at large; and

WHEREAS, during his tenure on the Board, Mr. Ashe displayed insight and dedication to providing input into the resolution of many issues confronting the County; and

WHEREAS, Mr. Ashe was particularly instrumental in the County's successful efforts to secure an additional \$607,000 in Transportation Enhancement Program funds to assist in implementing the Yorktown Master Plan; and

WHEREAS, the Board of Supervisors wishes to express its appreciation to Mr. Ashe for his service;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of December, 2001, that Mr. H. R. "Dick" Ashe be, and he is hereby, commended and congratulated on his dedicated and competent service to York County and its citizens.

BE IT FURTHER RESOLVED that the Board extends its heartfelt appreciation and best wishes to Mr. Ashe for good health, happiness, and continued success in all his future endeavors.

Item No. 8. STREET ACCEPTANCES: Resolution R01-217

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO INCLUDE STREETS IN PENNIMAN EAST,  
SECTIONS ONE AND TWO, INTO THE SECONDARY SYSTEM OF  
STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 4th day of December, 2001, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of

December 4, 2001

the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Penniman East, Sections One and Two, and to the Resident Engineer of the Virginia Department of Transportation.

### **In the County of York**

By resolution of the governing body adopted December 4, 2001

***The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.***

### **Report of Changes in the Secondary System of State Highways**

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

**Penniman East, Sections One and Two**

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

### **Route Number and/or Street Name**

#### **High Point Road, State Route Number 1132**

*Description:* **From:** Route 641 (Penniman Road)  
**To:** Southeast to Intersection of Route 1133 (Old Hollow Road)

A distance of: 0.03 miles.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 02/01/1999, Plat Book 12, Pages 666-668, with a width of 56 ft.

*Description:* **From:** Route 1133 (Old Hollow Road)  
**To:** South to Intersection of Route 1134 (Low Ridge Road)

A distance of: 0.08 miles.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 03/28/2000, Plat Book 13, Pages 105-107, with a width of 50 ft.

*Description:* **From:** Route 1134 (Low Ridge Road)  
**To:** South to end of cul-de-sac

A distance of: 0.04 miles.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on

03/28/2000, Plat Book 13, Pages 105-107, with a width of 50 ft.

**Low Ridge Road, State Route Number 1134**

*Description:*     **From:**   Route 1132 (High Point Road) 0.08 mile south of  
Route 1133 (Old Hollow Road)

**To:**       East and South to end of cul-de-sac

A distance of: 0.15 miles.

*Right of Way Record:*   Filed with the Clerk of the Circuit Court on  
03/28/2000, Plat Book 13, Pages 105-107, with a  
width of 50 ft.

**Old Hollow Road, State Route Number 1133**

*Description:*     **From:**   Route 1132 (High Point Road)

**To:**       South to end of cul-de-sac

A distance of: 0.21 miles.

*Right of Way Record:*   Filed with the Clerk of the Circuit Court on  
02/01/1999, Plat Book 12, Pages 666-668, with a  
width of 50 ft.

Item No. 10. PURCHASE AUTHORIZATION: Resolution R01-212

A RESOLUTION TO PURCHASE TENNIS COURT LIGHTING AND  
CONSTRUCT VACUUM SEWER AND WATER IN THE DARE AREA

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of December, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Tennis Court Lighting: Back Creek Park	\$ 41,235
Dare Area Vacuum Sewer and Water Project – Section 4	717,672

Item No. 11. PERSONNEL POLICIES AND PROCEDURES REVISION: Resolution R01-222

A RESOLUTION TO AMEND THE PERSONNEL POLICIES AND PRO-  
CEDURES TO INCLUDE TWO ADDITIONAL HOLIDAYS

WHEREAS, the York County Board of Supervisors desires to acknowledge the tradition of outstanding service provided by York County employees; and

December 4, 2001

WHEREAS, in order to allow citizens and staff alike to better plan their affairs during an already busy season, the Board of Supervisors desires to add two additional holidays to the list of holidays included in the County's Personnel Policies and Procedures;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this 4th day of December, 2001, that the holiday schedule included in the County's Personnel Policies and Procedures is hereby amended to include December 24 and December 31.

Item No. 9. PUBLIC SEWER EXTENSION AGREEMENT—COVENTRY PROFESSIONAL PARK:  
Proposed Resolution R01-213 (Removed from Consent Calendar)

Mr. Shepperd asked Mr. McReynolds to explain the difference in the connection fees that the developer pays and those that the homeowner pays.

Mr. McReynolds indicated that when the developer installs the system, they pay for the entire system. What they are paying in the connection fee is a system's facility charge for the existing pump stations and collector lines. When the County goes into an existing development, it is bearing the cost of installing the entire system. When it is new construction, the developer has the responsibility. If a homeowner does some of the connection work themselves, the County gives them a credit for the portion they do.

Mr. Shepperd moved the adoption of proposed Resolution R01-213 that reads:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S  
SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT  
KNOWN AS COVENTRY PROFESSIONAL PARK, AND AUTHORIZING  
EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION  
AGREEMENT

WHEREAS, Coventry Corner, L.L.C., has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a commercial development to be known as Coventry Professional Park; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code, the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$5,625.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of December, 2001, that the Board approves the extension of the County's public sewer system to serve the proposed development, Coventry Professional Park, and that the County

Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Coventry Corner, L.L.C., for the proposed extension; such agreement to be approved as to form by the County Attorney.

On roll call, the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett  
Nay: (0)

### **NEW BUSINESS**

#### **LOAN FOR RELOCATION AND RENOVATION OF THE YORKTOWN FREIGHT SHED BUILDING, AND CONVEYANCE OF TITLE TO THE YORKTOWN FREIGHT SHED BUILDING**

Mr. McReynolds made a presentation on proposed Resolutions R01-200 to authorize a loan to the Industrial Development Authority of York County in connection with the relocation and renovation of the Yorktown Freight Shed building, and R01-210 to authorize the execution of a document conveying title to the Yorktown Freight Shed building to Yorktown Freight Shed, L.P. He indicated the actions are necessary to take advantage of the tax credits available for the renovation project. The amount is not to exceed \$1 million, and the funds will be disbursed as they are needed and work progresses.

Mr. Zaremba stated the project is a part of the revitalization of Yorktown, and the Board has committed to spending several million dollars in Yorktown to revitalize the waterfront and make it a great historic destination. The freight shed building is the old post office building, and the Board went to the National Park Service and indicated that it felt it would be more cost effective to tear it down and build a replica. The Park Service cited Federal regulations telling the Board that Federal law prohibited it, and that the building would have to be moved and renovated. To do the required move and renovations, staff has estimated the cost at about \$1 million, not counting the tax credits Mr. McReynolds mentioned. Mr. Zaremba stated he was personally much opposed to this action because he feels it is a waste of taxpayers' dollars. He also spoke of the inconsistency in the law that in order to make the tax credit work, the National Park Service has agreed to abandon any use of the building, yet it can't let the County tear it down.

Mrs. Noll then moved the adoption of proposed Resolution R01-200 that reads:

A RESOLUTION AUTHORIZING A ONE MILLION DOLLAR LOAN TO  
THE INDUSTRIAL DEVELOPMENT AUTHORITY OF YORK COUNTY  
IN CONNECTION WITH THE RELOCATION AND RENOVATION OF  
THE YORKTOWN FREIGHT SHED BUILDING, AND APPROPRIAT-  
ING THE FUNDS NECESSARY THEREFOR

WHEREAS, in an attempt to realize significant savings on the cost of the proposed relocation and renovation of the Yorktown Freight Shed Building, the Board desires to utilize historic building renovation tax credits, which are available through both federal and Virginia income tax codes; and

WHEREAS, in order to be able to utilize the tax credits, title to the Freight Shed building will be conveyed by the Yorktown Trustees to Yorktown Freight Shed, L.P. (a Virginia limited partnership, hereinafter "the partnership") which has been created to hold title to the

December 4, 2001

building and to oversee the project with money provided by the York County Board of Supervisors through the Industrial Development Authority of York County; and

WHEREAS, the Board desires to lend to the Industrial Development Authority a sum not to exceed One Million Dollars (\$1,000,000.00) to fund a credit line loan to the partnership to finance the relocation and renovation of the building;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 4th day of December, 2001, that the Chairman of the Board of Supervisors be and is hereby authorized to execute a Loan agreement with the Industrial Development Authority in the form of a Note, for a loan of up to One Million Dollars (\$1,000,000), with interest at a rate of 5.5%, payable quarterly, such Note to be approved as to form by the County Attorney.

BE IT STILL FURTHER RESOLVED that the County Administrator be and is hereby authorized to transfer funds up to One Million Dollars (\$1,000,000.00) to the Industrial Development Authority through terms set forth in the above referenced loan agreement without further action of the Board of Supervisors and that necessary funds for said project be and are hereby appropriated from the Yorktown Capital Improvement Fund.

On roll call, the vote was:

Yea:	(4)	Noll, Wiggins, Shepperd, Burgett
Nay:	(1)	Zaremba

Mr. Wiggins then moved the adoption of proposed Resolution R01-210 that reads:

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A DOCUMENT CONVEYING TITLE TO THE YORKTOWN FREIGHT SHED BUILDING TO YORKTOWN FREIGHT SHED, L.P.

WHEREAS, by virtue of a certain joint agreement between the County and the Trustees of the Town of York dated May 7, 2001, and amended September 4, 2001, the Yorktown Trustees agreed to convey to the County a certain building previously used as the Yorktown Post Office and more generally known as the Yorktown Freight Shed Building (the Building); and

WHEREAS, the County desires to consent to the conveyance of the Building by the Trustees to Yorktown Freight Shed, L.P., a Virginia limited partnership, subject to a condition that the partnership shall relocate and renovate the Building as described in the joint agreement.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of December, 2001, that the Board Chairman or the County Administrator be, and he hereby is authorized to execute a certain document entitled "Confirmation of Reversion of Title to Property, Agreement for Relocation and Renovation of Building, and Deed to Building," in substantially the form as attached to a memorandum from the County Attorney dated November 8, 2001, and provided that such document be approved as to form by the County Attorney. The County Administrator is further authorized to take such steps as are necessary to record the document among the land records of York County.

On roll call, the vote was:

Yea: (4) Noll, Wiggins, Shepperd, Burgett  
 Nay: (1) Zaremba

**CLOSED MEETING.** At 9:29 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(3) pertaining to the acquisition of real property for a public purpose.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Noll, Zaremba, Burgett  
 Nay: (0)

Meeting Reconvened. At 10:22 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM  
 OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-  
 ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of December, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett  
 Nay: (0)

APPOINTMENT TO THE YORK COUNTY PLANNING COMMISSION

Mr. Shepperd moved the adoption of proposed Resolution R01-207 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY  
 PLANNING COMMISSION



December 4, 2001

WHEREAS, Thomas G. Shepperd, Jr., Planning Commissioner for Election District 5, was elected to the York County Board of Supervisors; and

WHEREAS, Mr. Shepperd has resigned from the Planning Commission effective November 13, 2001; and

WHEREAS, the term for the Planning Commission seat for Election District 5 will expire June 30, 2004; and

WHEREAS, the Board has been requested to make an appointment to fill Mr. Shepperd's unexpired term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 4th day of December, 2001, that it hereby appoints the following individual to the Planning Commission to serve an unexpired term, such term to expire June 30, 2004.

Al Ptasznik                      Election District 5

On roll call, the vote was:

Yea:    (5)      Zaremba, Noll, Wiggins, Shepperd, Burgett  
Nay:    (0)

#### APPOINTMENTS TO THE YORK-POQUOSON SOCIAL SERVICES BOARD

Mrs. Noll moved the adoption of proposed Resolution R01-220 that reads:

#### A RESOLUTION TO APPOINT TWO REPRESENTATIVES TO THE YORK-POQUOSON SOCIAL SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 4th day of December, 2001, that Robin B. Bledsoe and Elizabeth S. Tai be, and they are hereby, appointed as representatives to the York-Poquoson Social Services Board for terms of four years each, such terms to begin January 1, 2002, and end December 31, 2005.

On roll call, the vote was:

Yea:    (5)      Noll, Wiggins, Shepperd, Zaremba, Burgett  
Nay:    (0)

#### APPOINTMENTS TO THE YORK COUNTY PARKS AND RECREATION ADVISORY BOARD

Mrs. Noll moved the adoption of proposed Resolution R01-219 that reads:

#### A RESOLUTION TO APPOINT THREE REPRESENTATIVES TO THE YORK COUNTY PARKS AND RECREATION ADVISORY BOARD

BE IT RESOLVED by the York County Board of Supervisors this 4th day of December, 2001, that John B. Christie, Leonard M. LaVella, and Donna J. Simkins be, and they are hereby, appointed to the York County Parks and Recreation Advisory Board for a term of four years, such term to begin January 1, 2002, and end December 31, 2005.

On roll call, the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett  
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY LIBRARY BOARD

Chairman Burgett moved the adoption of proposed Resolution R01-218 that reads:

A RESOLUTION TO APPOINT TWO REPRESENTATIVES TO THE  
YORK COUNTY LIBRARY BOARD

BE IT RESOLVED by the York County Board of Supervisors this 4th day of December, 2001, that Barbara T. Henry and Anne S. Sundry be, and they are hereby, appointed as representatives to the York County Library Board for terms of four years each, such term to begin January 1, 2002, and end December 31, 2005.

On roll call, the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett  
Nay: (0)

Meeting Adjourned. At 10:25 p.m. Mr. Zaremba moved that the meeting be adjourned to 6:00 p.m., Tuesday, December 11, 2001, in the East Room, York Hall, for the purpose of conducting a work session.

December 4, 2001

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett  
Nay: (0)

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James O. McReynolds, Clerk  
York County Board of Supervisors

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James S. Burgett, Chairman  
York County Board of Supervisors